

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-21 are pending in the application. Claim 1 is independent. The remaining claims depend, directly or indirectly, from independent claim 1.

#### **Claim Amendments**

Claim 1 has been amended to clarify the invention. Support for the aforementioned amendments may be for example, on p. 4, lines 17-30 of the originally filed specification. No new matter has been added by the aforementioned amendments.

#### **Rejections under 35 U.S.C. § 103**

##### **Claims 1, 4, 13-14, and 20-21**

Claims 1, 4, 13-14, and 20-21 under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent Pub. No. 2005/0193218 (“Susser”) and U.S. Patent Pub. No. 2005/0008098 (“Iancu”). *See* Office Action, pp. 3-5.

35 U.S.C. § 103 provides the statutory definition of obviousness. The framework for applying 35 U.S.C. § 103 was initially set out by the Supreme Court in *Graham v. John Deere Co.*, 86 S.Ct. 684 (1966). This framework was reaffirmed by the court in *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007). Based on the above framework, one rationale that may be used to

support a conclusion of obviousness is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *See KSR*, 127 S.Ct. at 1739. In the instant case, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has used the above rationale to support a rejection of obviousness based on Susser in view of Iancu. *See Office Action*, pp. 3-5.

Turning to the claims, amended independent claim 1 requires, in part, (i) a retrievable token which includes: (ii) a physical channel of communication to at least one apparatus, (iii) two logical channels of communication (e.g., first and second logical channels) to the at least one apparatus, each associated with the physical channel, (iv) two protocol stacks (e.g., first and second protocol stacks), each associated with one of the logical channels, and (v) two execution environments (e.g., first and second execution environments), each associated with one of the logical channels. Further, claim 1 requires, in part, (vi) that each of the first and second execution environments is configured to execute one of the protocol stacks. *See, e.g., Specification*, pp. 3-5.

Requirement (iii)

In rejecting claim 1, regarding requirement (iii), the Examiner cites Susser, paragraphs [0049], [0069], and [0075]. *See Office Action*, pp. 2-3. Specifically, the Examiner asserts that the “smart card” and the “host” described in paragraph [0013] of Susser respectively disclose the claimed *retrievable token* and the *apparatus*. *Id.* Further, although the Examiner fails to explicitly state what elements of Susser are asserted to disclose the claimed *first and second logical channels*,

the Examiner is apparently relying on the “object access across a firewall” disclosed in Susser. *See* Susser, paragraph [0077].

Applicants respectfully disagree with the Examiner’s contentions. Specifically, Applicants submit that the “object accesses across a firewall,” as disclosed in Susser, are not *logical channels of communication to the apparatus*, as required by amended claim 1. Rather, Susser clearly discloses that the “object accesses” occur only between “execution contexts” included in a single virtual machine such a JVM. *See* Susser, paragraph [0074] and Fig. 6.

Based on the above, Applicants submit that Susser fails to disclose the *first and second logical channels to the at least one apparatus*. Further, a review of Iancu reveals that Iancu also fails to disclose or render obvious this requirement. Accordingly, Applicants submit that Susser and Iancu fail to disclose or render obvious at least requirement (iii).

Requirement (v)

In rejecting claim 1, regarding the first and second execution environments, each associated with one of the logical channels (*i.e.*, requirement (v)), the Examiner cites Susser, paragraphs [0049], [0069], and [0075]. *See* Office Action, pp. 2-3. The cited material discloses an “execution context” running on a “small footprint device.” *See* Susser, paragraph [0069]. Thus, the Examiner apparently contends that the claimed *first and second execution environments* are disclosed by the “execution contexts” disclosed in Susser. Further, although the Examiner fails to explicitly state what elements of Susser are asserted to disclose the claimed *first and second logical channels*, the Examiner is apparently relying on the “object access across a firewall” disclosed in Susser. *See* Susser, paragraph [0077].

Applicants respectfully submit that the Examiner has not properly construed the term “execution environment” as recited in the claims. Specifically, *Phillips v. AWH Corp.* requires the Examiner to read the claimed limitations in light of the Specification. In particular, “[t]he person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but *in the context of the entire patent, including the specification.*” *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*) (emphasis added). Based on *Phillips* and as clearly described in the Specification, an *execution environment*, as recited in the claims, is an environment configured for executing applications. See, e.g., Specification, page 3, lines 6-12. Further, requirement (vi) stated above makes clear that each execution environment is configured to execute one of the protocol stacks.

However, contrary to *Phillips*, the aforementioned definition of the claim term “execution environment” was not used by the Examiner. Specifically, the “execution contexts,” as disclosed in Susser, are not *execution environments* (i.e., environments for executing applications). Rather, as described in Susser, the “execution contexts” are merely groupings of data objects that are controlled by a single virtual machine. For example, Susser discloses that a single “runtime system 740” can access multiple execution contexts by “dividing the memory space into separate regions, each for a particular context.” See Susser, paragraph [0075] and Fig. 7.

Based on the above, Applicants submit that Susser fails to disclose the *first and second execution environments, each associated with one of the logical channels*. Further, a review of Iancu reveals that Iancu also fails to disclose or render obvious this requirement. Accordingly, Applicants submit that Susser and Iancu fail to disclose or render obvious at least requirement (v).

Requirement (iv) and (vi)

In rejecting claim 1, the Examiner admits that Susser fails to disclose the *first and second protocol stacks* (i.e., requirement (iv) listed above), and that *each of the first and second execution environments is configured to execute one of the protocol stacks* (i.e., requirement (iv) listed above). Rather, the Examiner relies on Iancu, paragraph [0015]. See Office Action, p. 3. The cited material discloses “[o]ne processor” which executes “at least two protocols simultaneously.” See Iancu, paragraph [0015]. Accordingly, the Examiner apparently contends that the *first and second protocol stacks* are disclosed by the “at least two protocols” disclosed in Iancu. Further, the Examiner apparently contends that the *first and second execution environments* are disclosed by the “processor” in Iancu.

Applicants respectfully disagree with the Examiner’s contentions. Specifically, the “processor” of Iancu is clearly not an “execution environment” as claimed, (see the above discussion regarding requirement (v)). Moreover, even assuming, *arguendo*, that the “processor” of Iancu discloses an “execution environment” as claimed, it clearly fails to also disclose two separate execution environments (i.e., the *first and second execution environments*) as required by claim 1. Accordingly, Applicants submit that Iancu fails to disclose at least the *first and second protocol stacks*, as required by requirements (iv) and (vi).

Based on the above, Applicants submit that Iancu fails to disclose the *first and second protocol stacks*, and that *each of the first and second execution environments is configured to execute one of the protocol stacks*. Further, a review of Susser reveals that Susser also fails to disclose or render obvious this requirement. Accordingly, Applicants submit that Susser and Iancu fail to disclose or render obvious at least requirements (iv) and (vi).

No proper reasoning to combine Susser and Iancu

Applicants submit that the Examiner fails to provide a valid rationale for combining Susser and Iancu in the proposed manner. Specifically, the Examiner contends that it would have been obvious to combine Susser and Iancu in the proposed manner “to process data coming into the token faster by using multiple processing machines at the same time.” *See* Office Action, p. 3. However, Applicants assert that the rationale provided by the Examiner is merely a conclusory statement of benefit, and fails to provide any explanation as to how the proposed modification would “process data coming into the token faster.” Therefore, the Examiner has failed to provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness,” as required by *KSR*.

Summary

Based on the above, Applicants submit that Susser and Iancu, whether considered separately or in combination, at least fail to disclose or render obvious the aforementioned requirements of amended claim 1. Further, claims 4, 13-14, and 20-21 depend from independent claim 1, and are thus not obvious in view Susser and Iancu for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 2-3 and 6-12

Claims 2-3 and 6-12 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Susser, Iancu, and U.S. Patent Pub. No. 2004/0177215 (“Nagasama”). *See* Office Action, pp. 5-7. To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

In rejecting dependent claims 2-3 and 6-12, the Examiner relies on Susser and Iancu as applied to independent claim 1. However, as described above, Susser and Iancu fail to disclose or render obvious all the limitations of independent claim 1. Further, Nagamasa fails to supply that which Susser and Iancu lack. Specifically, Nagamasa fails to disclose or render obvious at least requirements (i)-(vi) discussed above with regard to independent claim 1. Thus, independent claim 1 is not obvious in view of Susser, Iancu, and Nagamasa, whether considered separately or in combination. Therefore, dependent claims 2-3 and 6-12 are patentable over Susser, Iancu, and Nagamasa for at least the same reasons. Accordingly, based on the above, the rejection is respectfully traversed.

#### Claim 5

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being obvious in view of Susser, Iancu, and U.S. Patent No. 6,883,715 (“Fruhauf”). *See* Office Action, p. 7. To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

In rejecting dependent claim 5, the Examiner relies on Susser and Iancu as applied to independent claim 1. However, as described above, Susser and Iancu fail to disclose or render obvious all the limitations of independent claim 1. Further, Fruhauf fails to supply that which Susser and Iancu lack. Specifically, Fruhauf fails to disclose or render obvious at least requirements (i)-(vi) discussed above with regard to independent claim 1. Thus, independent claim 1 is not obvious in view of Susser, Iancu, and Fruhauf, whether considered separately or in combination. Therefore, dependent claim 5 is patentable over Susser, Iancu, and Fruhauf for at least the same reasons. Accordingly, the rejection is respectfully traversed.

Claims 15-19

Claims 15-19 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Susser, Iancu, and U.S. Patent Pub. No. 2003/0023954 (“Wilkinson”). *See* Office Action, pp. 8-9. To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

In rejecting dependent claims 15-19, the Examiner relies on Susser and Iancu as applied to independent claim 1. However, as described above, Susser and Iancu fail to disclose or render obvious all the limitations of independent claim 1. Further, Wilkinson fails to supply that which Susser and Iancu lack. Specifically, Wilkinson fails to disclose or render obvious at least requirements (i)-(vi) discussed above with regard to independent claim 1. Thus, independent claim 1 is not obvious in view of Susser, Iancu, and Wilkinson, whether considered separately or in combination. Therefore, dependent claims 15-19 are patentable over Susser, Iancu, and Wilkinson for at least the same reasons. Accordingly, the rejection is respectfully traversed.



**Conclusion**

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669/093001).

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Respectfully submitted,

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